IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 30TH AUGUST 2006 / 8TH BHADRA 1928

OP.No. 8380 of 2002(V)

PETITIONER:

ANNAKKUTY W/O.POULOSE,KALLARAKKAL HOUSDE,NADUKANIKKARA,KEERAMPARA,ERNAKULAM.

BY ADV. SRI.P.P.JACOB

RESPONDENTS:

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1. DISTRICT REGISTRAR (G),ERNAKULAM

2. DEPUTY TAHSILDAR (RR),KOTHAMANGALAM.

BY GOVERNMENT PLEADER SRI. KHADER KUNJU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 30/08/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 14880 OF 2002 IN OP 8380 OF 2002

DISMISSED

30.8.2006 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE PHOTOCOPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER DATED 5.2.2002

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P.NO. 8380 OF 2002

Dated this the 30th day of August, 2006

JUDGMENT

Petitioner is challenging revenue recovery proceedings for recovery of differential stamp duty demanded on account of alleged under-valuation of sale deed. Petitioner's case is that no adjudication order is issued by the District Registrar prior to recommending revenue recovery proceedings. Since appeal is provided to the District Court against the order of the District Registrar, demanding differential duty, he is bound to pass a proper order after hearing the affected party. O.P. is therefore disposed of with direction to the first respondent to issue notice to the petitioner stating the reasons for adjudication of under-valuation in the document with reference to the Rules, hear the objections of the petitioner and pass fresh adjudication order within a period of two months from the date of production of a copy of this judgment. Petitioner will produce a copy of this judgment before the first respondent for compliance. Revenue recovery proceedings will be kept in abeyance until fresh orders are issued, and thereafter recovery

proceedings will be continued for the amount due under the fresh order. If the petitioner has still any grievance she is free to file appeal and move for stay before the District Court, failing which recovery will be continued under the same RR proceedings for fresh demand raised.

(C.N.RAMACHANDRAN NAIR)
Judge